IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CRIMINAL APPLICATION NO.249 OF 2006

In

CRIMINAL WRIT PETITION NO.1490 OF 2006

Shri Mitesh Kishor Vithalari : Petitioner

(Nephew of the detenu)

V/s.

The State of Maharashtra & Ors. : Respondents

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Mrs.A.M.Z.Ansari for the petitioner.

Mrs.A.S.Pai, Addl. Public Prosecutor for the State.

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CORAM : D.G.DESHPANDE & S.A.BOBDE,JJ.

DATE : JULY 26, 2006.

P.C.

1. This is an application filed on behalf of the detenu for transferring him to the nearest jail in Thane or Kalyan for his safety. We had given time to the learned Addl. Public Prosecutor to take instructions and upon instructions, she has stated that looking to the security of the detenu, he can be transferred to Nagpur jail. There is no accommodation in Thane Central Prison which is overcrowded and detenus cannot be kept at Kalyan jail. In view of this, the prayer of the petitioner to transfer the

detenu is granted. The detenu Mahesh Gokuldas Tanna should be shifted immediately to Nagpur jail. The detenu is at liberty to make an application for bringing him back to Mumbai after the threat perception, according to him, vanishes or diminishes.

2. The Criminal Application stands disposed of in the above terms.

D.G. DESHPANDE, J.

S.A. BOBDE, J.